

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID MORSE,

No. C 10-05594 SI

Plaintiff,

**ORDER RE: DISCOVERY**

v.

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA, BERKELEY ET AL,

Defendants.

The parties have submitted letter briefs presenting a discovery dispute to the Court. At issue is the defendants' request to stay discovery pending the October 24, 2011 settlement conference with Magistrate Judge Spero. The defendants' essential argument is that the plaintiffs' discovery requests -- according to defendants, six depositions and extensive written discovery -- will only serve to increase the eventual demand for attorneys' fees and create further stumbling blocks to settlement.

In his August 24, 2011 settlement conference order, Judge Spero directed that "whatever discovery is needed for all sides to evaluate the case for settlement purposes is [to be] completed by the date of the Settlement Conference." Doc. 45. Therefore, the parties should prepare themselves adequately through appropriate discovery measures for the conference, and the defendants' stay request is DENIED. However, the Court is aware that overbroad discovery demands can unnecessarily increase attorney's fees and burden settlement possibilities, and counsel should be guided accordingly.

The defendants' request to stay discovery is hereby DENIED.

**IT IS SO ORDERED.**

Dated: September 19, 2011



SUSAN ILLSTON  
United States District Judge